Appeals court kicks 'psychiatric boarding' case to state Supreme Court

Posted by Brian M. Rosenthal

The state Supreme Court is getting a chance to rule on the constitutionality of making involuntarily-detained mentally ill residents wait for hours or days in hospital emergency rooms before receiving treatment.

A Pierce County-based appellate judge on Wednesday kicked a major case about so-called "psychiatric boarding" to the high court, although it's not yet known whether the justices will take it up.

"Upon review of the briefing, this court concludes that the appeal is appropriate for certification for transfer to the Washington State Supreme Court," Judge Lisa Worswick wrote in a two-page order.

The controversial practice of boarding <u>has increasingly become the norm</u> for Washington state's mental-health system, which has been detaining more residents but still has among the fewest treatment beds per capita in the country. A ruling striking down the practice would fundamentally change how mental-health care is administered in the state.

Opponents have argued that boarding is harmful, especially because patients kept in the ER are often tied to a bed to prevent them from hurting themselves. State officials agree boarding is not ideal, but argue it is better than leaving dangerously mentally ill residents on the streets.

The case arose in Pierce County last year, with public defenders questioning how it could be constitutional for the government to detain mentally ill citizens without treating them. The public defenders won in the lower courts, although <u>a judge let boarding continue</u> as the two sides prepared for an expected battle in the appeals court.

Instead, the case is going even higher.

State Supreme Court justices could immediately rule on the case, schedule a debate in front of them or decline to take up the case altogether.